

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION**

LeRoy K. Wheeler,)	
)	
Plaintiff,)	ORDER DENYING PLAINTIFF'S
)	MOTION TO RECONSIDER
vs.)	
)	
Gary A. Gardner, et al.,)	Case No. 1:06-cv-030
)	
Defendants.)	

Before the Court is a document filed by Plaintiff LeRoy K. Wheeler entitled "Petition for Rehearing of Order Adopting Report and Recommendation." The Court will treat the Plaintiff's filing as a motion to reconsider the Court's Order of June 7, 2006, adopting the Report and Recommendation prepared by Magistrate Judge Charles S. Miller, Jr., on May 24, 2006. (Docket Nos. 3 & 5)

Having carefully reviewed the record, the Court finds no basis for reversing its previous order adopting the Report and Recommendation. (Docket No. 5). The Report and Recommendation clearly concluded that regardless of whether the state law procedures were followed, Wheeler was sufficiently afforded his due process rights, and thus, Wheeler was not deprived of his property interests in violation of his due process rights. The Court **DENIES** the Plaintiff's motion to reconsider. (Docket No. 7).

IT IS SO ORDERED.

Dated this 26th day of June, 2006.

/s/ Daniel L. Hovland
Daniel L. Hovland, Chief Judge
United States District Court